

Modification  
May 9, 2019

Public Employees for Environmental Responsibility  
962 Wayne Ave, Suite 610  
Silver Spring, MD 20910

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. (2822T)  
Washington, DC 20460

RE: FREEDOM OF INFORMATION ACT REQUEST

Filed Electronically and via email

**Dear FOIA Officer:**

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., Public Employees for Environmental Responsibility is seeking documents related to the importation of wastes and materials for disposal, recycling or reclamation in the United States.

This is a modification of a previous submission. Your response is requested by June 30, 2019.

Specifically, this FOIA seeks copies of the following:

1. "count of import notices by country since 01012011 report"
2. "import notices since 01012011 report"
3. "import notice waste stream detail report for 01012017 to 04222019"

In addition, this FOIA seeks any documents that discuss the imports into the United States of materials containing per- and polyfluoroalkyl substances (PFAS) destined for disposal, recycling or recovery in the United States.

This request includes all documents that have ever been within your custody or control, whether they exist in agency "working," investigative, retired, electronic mail, or other files currently or at any other time. All electronic records should be delivered in their original file format with metadata and any attachments included. Physical records should be scanned or otherwise converted into electronic format.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

[ PAGE \\* MERGEFORMAT ]

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

1. *The records concern the operations or activities of the Government.*

The FOIA request is, by its terms, limited to identifiable activities of EPA employees.

2. *The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.*

If the public sees these materials, it will help enhance their understanding of what hazardous or dangerous wastes are being imported into the United States, **and the controls and scrutiny that the government undertakes to ensure that these wastes are managed in a safe manner and in a way that is consistent with US Law. There has been keep public and politic interest in this issue. This issue has been subject of Congressional inquiries and media attention. A quick search of news articles on these subjects reveals over a dozen have been published in 2019. In addition, a significant portion of the public is concerned about the disposal of wastes that may be dangerous or hazardous and the safety of imports into the US, and steps the US is taking to address emerging issues and trends.**

3. *The release of these requested records will contribute significantly to public understanding of the governmental activities.*

If the public sees these materials, it will help enhance their understanding US EPA’s role in reviewing hazardous waste imports as well as issues associated with these reviews **when the waste may not be regulated as hazardous in the United States but may be regulated as hazardous in the exporting country. In addition, these documents may help the public understand government policy and legal gaps, and workload and data management issues, as well as how the government assesses potential risks and dangers associated with imports.**

PEER intends to provide the request information to members of Congress and its relevant committees. We also intend to disseminate it to the general public through:

- Releases to the new media;
- Posting on the PEER web page, which regularly draws over 1,000 unique viewers a day; and,
- Publication in the PEER newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

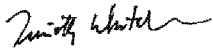
Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, extensive media coverage of EPA actions on issues related to this FOIA underlines broad public interest in this material.

4. *Disclosure would not serve a commercial interest of the requestor.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c)(3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (240) 247-0299. I look forward to receiving the agencies final response within 20 working days.

Cordially,

A handwritten signature in black ink, appearing to read "Timothy Whitehouse", with a stylized flourish at the end.

Timothy Whitehouse  
Executive Director